

REMARKS

This application has been amended by canceling Claims 25-28, and 113-116 and adding Claims 162-175. The cancellation of Claims 25-28 and 113-116 obviate the double patenting rejections under 35 USC 101. The newly added Claims 162-175 are fully supported by the original specification and thus do not add new matter. Upon entry of the above amendment, Claims 155-175 are pending.

Claims 155-161 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims in U.S. Patent No. 6,903,820 and U.S. Patent No. 7,259,851. Applicant respectfully traverses such contentions. However, in the interest of advancing the prosecution of this patent application, a terminal disclaimer by the assignee Tomophase Corporation is filed concurrently with this response to obviate the rejections.

Therefore, all rejections raised in the office action have been fully addressed and obviated. As such, Claims 155-175 are in a full condition for allowance. Accordingly, the application as amended herein is also in a full condition for allowance. An official notice of allowance is respectfully requested to issue at an early date.

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account 06-1050.

Respectfully submitted,

Date: March 25, 2009

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